

Amendment No. 1 to HB0362

**Halford
Signature of Sponsor**

AMEND Senate Bill No. 295

House Bill No. 362*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 5, is amended by adding the following as a new section:

(a)

(1) The commissioner of environment and conservation shall not issue a national pollutant discharge elimination system (NPDES) permit to a municipal separate storm sewer system operated by a local governmental entity unless the financial impact of the post construction stormwater requirements on such local governmental entity and persons required to comply with the post construction stormwater requirements of such NPDES permit has first been reviewed by the general assembly in the same manner as rules are reviewed under § 4-5-226.

(2) In reviewing the NPDES permit and its financial impact as prescribed in subdivision (a)(1) the government operations committees of the senate and the house of representatives shall make recommendations, as necessary, to ensure that the requirements for permanent stormwater measures do not exceed the minimum requirements required by federal law with consideration of the cost-benefit of such measures.

(b)

(1) The commissioner of environment and conservation shall submit an annual report to the chairs of the government operations committees of the senate and the house of representatives describing the financial impact of the

Amendment No. 1 to HB0362

**Halford
Signature of Sponsor**

AMEND Senate Bill No. 295

House Bill No. 362*

post construction stormwater requirements on such local governmental entity and persons required to comply with the such requirements of each such NPDES permit to be issued under subdivision (a)(1) by the department of environment and conservation.

(2) The report prescribed in subdivision (b)(1) shall include the actual or anticipated cost for the installation of stormwater control measures and the qualitative cost of loss of use of available land that must be dedicated to stormwater control measures and buffer areas.

(3) The first report shall be filed by July 15, 2017, and include the financial impact of every NPDES permit issued during fiscal year 2016-2017. All subsequent reports must be filed by July 15 of every year and shall describe the financial impact of each NPDES permit issued during the previous fiscal year.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0438

**Halford
Signature of Sponsor**

AMEND Senate Bill No. 1250

House Bill No. 438*

by deleting all language after the caption and substituting instead the following:

WHEREAS, energy is essential to the health, safety, and welfare of the people of this State and to the workings of the State economy; and

WHEREAS, it is in the State's best interest to support the development of a reliable and adequate supply of energy for Tennessee that is secure, stable, and predictable in order to facilitate economic growth, job creation, and expansion of business and industry opportunities; and

WHEREAS, it is also in the State's best interest to support the exploration, development, and production of domestic energy supplies, preferably from the resources within the State or region and most certainly from within the country; and

WHEREAS, state government has a duty to protect and preserve the State's natural resources, cultural heritage, and quality of life and, above all, the public health and safety of its residents during the exploration, development, and production of domestic energy resources; and

WHEREAS, it is critical that this State provide the basis for development of a long-range unified energy policy to encompass comprehensive energy resource planning and efficient management of existing energy resources in relation to economic growth, to effectively meet an energy crisis, to encourage development of alternative sources of energy that are capable of achieving a positive benefit-to-cost ratio, and to ensure efficient utilization of energy resources in a manner consistent with assuring a reliable and adequate supply of energy for Tennessee,

Amendment No. 1 to HB0438

Halford
Signature of Sponsor

AMEND Senate Bill No. 1250

House Bill No. 438*

including active support and collaboration with the federal government to ensure access to the nation's energy resources; and

WHEREAS, the development of a unified domestic energy policy for the State of Tennessee as part of a nationwide effort for increased domestic energy production is paramount to our national security, and economic growth and stability; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-240(a), is amended by inserting the following as a new, appropriately designated subdivision:

() State energy policy council, created by § 68-204-101;

SECTION 2. Tennessee Code Annotated, Title 68, is amended by adding the following language as a new chapter:

68-204-101. There is created the state energy policy council, to be administratively attached to the office of the comptroller of the treasury.

68-204-102. For the purposes of this chapter, "council" means the state energy policy council.

68-204-103.

(a) The council is created to advise and make recommendations to the governor and to the general assembly on how to:

(1) Identify all state energy resources to ensure a secure, stable, and more predictable energy supply;

(2) Manage the use of energy resources; and

(3) Increase domestic energy exploration, development, and production within the state and region, with the goal of promoting economic growth and job creation while ensuring the protection and preservation of the state's natural resources, cultural heritage, and quality of life.

(b) The council shall have the following general duties and responsibilities:

(1) Compile an annual report assessing the energy sector in this state, including the opportunities and the constraints presented by various uses of energy, to facilitate the expansion of the domestic energy supply, and to encourage the efficient use of all such energy forms in a manner consistent with state energy policy;

(2) Develop an ongoing comprehensive state energy policy plan to achieve maximum effective management and use of present and future sources of energy. The policy may include energy efficiency, renewable and alternative sources of energy, research and development into alternative energy technologies, and improvements to the state's energy infrastructure and energy economy, including smart grid and domestic energy resources that shall include, but not be limited to, natural gas, coal, hydroelectric power, solar, wind, nuclear energy, and biomass;

(3) Create an annual energy policy plan that recommends:

(A) Necessary energy legislation to the governor and to the general assembly;

(B) The promulgation of necessary rules to regulatory boards charged with administering this title; and

(C) The implementation and modification of energy policy, plans, and programs as the council considers necessary and desirable;

(4) Continually review and coordinate all state government research, education, and management programs relating to energy matters; and to educate and inform the general public regarding any energy matters; and

(5) Actively engage in discussions with the federal government, its agencies, and its leaders to identify opportunities to increase domestic energy supply within this state.

(c) The council shall serve as the central energy policy planning body of the state and shall communicate and cooperate with federal, state, regional, and local bodies and agencies for the purpose of affecting a coordinated energy policy.

68-204-104.

(a) The council shall be comprised of thirteen (13) members as follows:

(1) The governor or the governor's designee shall serve as an ex officio, voting member of the council;

(2) The governor shall appoint:

(A) One (1) representative of energy resource extraction or energy production industries, excluding the Tennessee Valley authority, who may be appointed from lists of qualified persons submitted by interested energy resource extraction or energy production industries including, but not limited to, the biofuel, oil and gas, wind, coal, solar energy, geothermal energy, hydropower, and nuclear energy industries. The governor shall consult with the industries listed in this subdivision (a)(2)(A) to determine qualified persons to fill the position on the council;

(B) One (1) representative of a commercial, industrial, or agricultural energy consumer; and

(C) One (1) representative of an institution of higher education in this state;

(3) The speaker of the house of representatives shall appoint:

(A) One (1) representative of the energy research and development industry, who may be selected from lists of qualified persons submitted by interested research and development industries, including, but not limited to, the Oak Ridge National Laboratory. The speaker shall consult with the industries described in this subdivision (a)(3)(A) to determine qualified persons to fill the position on the council;

(B) One (1) representative of the Tennessee Valley authority;

(C) One (1) representative of a local distribution utility; and

(D) One (1) representative of a transportation-related industry including, but not limited to, wholesalers, transportation equipment manufacturers, shipping companies, and local transit authorities;

(4) The speaker of the senate shall appoint:

(A) One (1) residential energy user;

(B) One (1) representative of environmental groups, including, but not limited to, the Southern Alliance for Clean Energy; and

(C) One (1) representative who is knowledgeable of and has expertise in energy efficiency and energy conservation as it relates to the built environment, who may be selected from lists of qualified persons submitted by interested parties from the engineering and architectural professions in this state. The speaker shall consult with the professions described in this subdivision (a)(4)(C) to determine qualified persons to fill the position on the council;

(5) The state treasurer or the treasurer's designee shall serve as an ex officio, nonvoting member of the council; and

(6) One (1) nonvoting student member with expertise in energy issues and energy policy who, during the person's tenure as a member of the council, is enrolled as a graduate student in an institution of higher education in this state. The student member shall be appointed by the council from nominations submitted by university faculty members at such institutions.

(b) In addition to any other requirements for membership on the council, all persons appointed or otherwise named to serve as members of the council shall be bona fide residents of this state, and shall continue to reside in this state during their tenure on the council.

(c)

(1) All appointments to the council shall be made by July 1, 2017.

(2) In order to stagger the terms of the newly appointed council members, initial appointments shall be made as follows:

(A) The members listed in subdivision (a)(2) shall serve initial terms of one (1) year, which shall expire on June 30, 2018;

(B) The members listed in subdivision (a)(3) shall serve initial terms of two (2) years, which shall expire on June 30, 2019; and

(C) The members listed in subdivision (a)(4) shall serve initial terms of three (3) years, which shall expire on June 30, 2020.

(3) The student member appointed pursuant to subdivision (a)(6) shall serve a term of two (2) years, but shall not serve more than two (2) consecutive terms as a member of the council.

(d)

(1) Following the expiration of members' initial terms as prescribed in subdivision (c)(2), all three-year terms shall begin on July 1 and terminate on June 30, three (3) years thereafter.

(2) All members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) In case of a vacancy in the membership on the council prior to the expiration of a member's term, a successor shall be appointed within thirty (30) days of the vacancy for the remainder of the unexpired term by the appropriate appointing authority and in the same manner as the original appointment.

(e) The appointing authorities may remove any member of the council for misconduct, incompetency, willful neglect of duty, or other just cause.

(f) Prior to beginning their duties, each member of the council shall take and subscribe to the oath of office provided for state officers.

(g) In making appointments to the council, the appointing authorities shall strive to ensure that the council is composed of persons who are diverse in professional or educational background, ethnicity, race, gender, geographic residency, heritage, perspective, and experience.

68-204-105.

(a) The chair of the council shall be appointed by the governor from among the council's membership, and shall call the first meeting of the council. The chair shall serve in that capacity for one (1) year and shall be eligible for reelection. The chair shall preside at all meetings and shall have all the powers and privileges of the other members.

(b) Each member, upon expiration of the member's term, shall continue to hold office until a successor is appointed.

(c) A majority of those members serving on the council shall constitute a quorum.

(d) Members appointed pursuant to § 68-204-104(a)(2)-(4) shall be eligible for reappointment to the council following the expiration of their terms, but shall serve no more than two (2) consecutive three-year terms.

(e) Members shall receive no compensation for their service on the council, but shall be reimbursed for travel and other necessary expenses incurred in the performance of official duties in accordance with the state comprehensive travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(f) The council shall adopt and implement a conflict of interest policy for its members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by council members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the council to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

68-204-106.

(a) To facilitate the work of the council and for administrative purposes, the chair of the council, with the consent and approval of the members, shall organize the work of the council to carry out the requirements of this chapter and to ensure the efficient operation of the council.

(b) The council shall:

(1) Adopt its own rules of procedure;

(2) Meet quarterly, with members to be physically present at a minimum of two (2) quarterly meetings each calendar year. Members may also participate by teleconference call, provided that all other requirements of this subdivision (b)(2) are met. Emergency meetings may be called by the chair or upon petition by a majority of the council, with written notice being given to all members; and

(3) Make nonsubstantive policy relating to the administrative operation of the council.

68-204-107.

(a) The council is authorized to request information from any state officer, office, department, commission, board, bureau, institution, or other agency of the state and its political subdivisions that is deemed necessary to carry out the requirements of this chapter. All officers and agencies shall cooperate with the council and, to the extent permitted by law, furnish any information to the council that it may request.

(b) To assure the adequate development of relevant energy information, the council may request energy producers and major energy consumers, as determined by the council, to file any reports and forecasts; however, the council may request only specific energy-related information that it deems necessary to carry out its duties.

(c) The council is authorized to apply for and utilize grants, contributions, appropriations, and any other sources of revenue which shall be deposited in the energy policy development resources fund created under § 68-204-109, in order to carry out its duties; however, all applications and requests for grants and other revenues shall be made through and administered by the office of the comptroller of the treasury.

(d) The council may request the office of the comptroller of the treasury to allocate and dispense any funds made available to the council for energy research and related work efforts in such a manner as the council determines; provided, that the funds shall be used in furtherance of the purposes of this chapter.

(e) The council shall be attached to the office of the comptroller of the treasury for administrative matters relating to budgeting, audit, and other related items only. The autonomy and authority of the council are not affected by such attachment, and the office of the comptroller of the treasury shall have no administrative or supervisory control over the council.

(f) All administrative costs of the council, including, but not limited to, the cost of the annual reports required pursuant to § 68-204-108, shall be payable out of any funds allocated to and received by the council.

68-204-108.

(a) The council shall compile, compose, and publish, and transmit to the governor, the speaker of the senate, and the speaker of the house of representatives, two (2) annual comprehensive reports as follows:

(1) An annual assessment of the state's energy sector as prescribed in § 68-204-103(b)(1), to be facilitated by the Baker Center for Public Policy; and

(2) A report to create a comprehensive state energy policy plan as prescribed in § 68-204-103(b)(2).

(b) The annual assessment of the state's energy sector, as prescribed in subdivision (a)(1), shall be composed and published by the council, with the help of the Baker Center for Public Policy, and shall include, but not be limited to, the following:

(1) Statewide projected growth and development as it relates to future requirements for energy, including patterns of urban and metropolitan expansion, shifts in transportation modes, modifications in building types and design, and other trends and factors which, as determined by the council, will significantly affect energy needs; and

(2) Assessment of growth trends in energy consumption and production, and an identification of potential adverse social, economic, or environmental impacts which may be imposed by a continuation of the present trends, including a rise in energy costs to consumers, significant increases in air, water, and other forms of pollution, threats to public health and safety, and a loss of scenic and natural areas.

(c) The comprehensive state energy policy plan shall include, but not be limited to, the following:

(1) Recommendations to the governor and the general assembly for additional administrative and legislative actions on energy matters in the context of the current energy sector in this state; and

(2) A summary of the council's activities since the last filing of the energy policy plan, a description of major plans developed by the council, an assessment of plan implementation, and a review of council plans and programs for the coming biennium.

68-204-109.

(a) There is created a special account in the state treasury to be administered by the office of the comptroller of the treasury and to be known as the energy policy development resources fund, referred to in this section as the "energy resources fund."

(b) Moneys in the energy resources fund shall be allocated and disbursed:

(1) By the office of the comptroller of the treasury for the purpose of developing the comprehensive state energy policy plan, as prescribed in § 68-204-103;

(2) In furtherance of the purposes of this chapter; and

(3) To offset the cost of administering this chapter.

(c) A grant from the energy resources fund shall be disbursed in an annual amount of fifty thousand dollars (\$50,000). It is the legislative intent that the annual amount be appropriated each fiscal year in the general appropriations act for awarding a grant.

SECTION 3. For the purpose of appointing members of the council, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 609

House Bill No. 526*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-1-401, is amended by adding the following as a new subsection:

(c)

(1) No part of the funds realized from the sale of licenses under this title shall be used for the eradication or control of wildlife and species that the commission has deemed destructive or not protected by law, or both, on a statewide basis, and included in the list required by § 70-4-107(c)(4).

(2) Nothing in subdivision (c)(1) diminishes the agency's authorization to enforce this title, including, but not limited to, offenses concerning the illegal hunting, possession, and transportation of any wildlife and species that the commission has deemed destructive or not protected by law, or both, on a statewide basis.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.



0619274338



005153

Amendment No. 1 to HB0702

**Halford
Signature of Sponsor**

AMEND Senate Bill No. 651

House Bill No. 702*

by deleting all of the language after the caption and substituting the following:

WHEREAS, it is the intent of the General Assembly in enacting this Act to encourage the expansion of agricultural sales by farmers and of the accessibility to farm-produced foods by informed end consumers through:

- (a) Facilitating the purchase and consumption of fresh local agricultural products;
- (b) Enhancing the agricultural economy; and
- (c) Providing Tennesseans with unimpeded access to healthy food from known sources; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-208, is amended by adding the following as a new subsection:

- (d) This section shall not apply to a farm to consumer distribution point, as defined in § 53-8-203.

SECTION 2. Tennessee Code Annotated, Section 53-8-202, is amended by deleting the section and substituting the following:

- (a) It is the purpose of this part to ensure that foods offered for public consumption in Tennessee are safe as prepared, processed, served, packaged, and delivered.

- (b) Food service establishments that are located within retail food stores are subject to this part and exempt from regulation in accordance with title 68, chapter 14, part 7.

Amendment No. 1 to HB0702

Halford
Signature of Sponsor

AMEND Senate Bill No. 651

House Bill No. 702*

(c) Farm to consumer distribution points are exempt from this part.

SECTION 3. Tennessee Code Annotated, Section 53-8-203, is amended by adding the following as a new, appropriately designated subdivision:

() "Farm to consumer distribution point" means a temporary or permanent location, that is not open to the general public, where a farmer or the farmer's agent delivers food, produced by the farmer and previously sold under an agreement entered into between the farmer and the consumer, directly to the consumer or the consumer's agent;

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB1014

**Halford
Signature of Sponsor**

AMEND Senate Bill No. 818*

House Bill No. 1014

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as a new subsection:

(u)

(1) Notwithstanding any other provisions of the law, a person who has contracted for the right to store water in a reservoir owned by the U.S. Army Corps of Engineers shall have exclusive rights to any return flows generated directly or indirectly to that reservoir by the person. The rights conferred by this subsection (u) shall be subject to any regulatory requirements imposed by the commissioner and to the availability to the person of unused storage capacity within the reservoir to store such return flows.

(2) As used in this subsection (u), "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1336

House Bill No. 1021*

by deleting all language after the caption and substituting instead the following:

WHEREAS, badly placed and poorly designed wind energy facilities can pose a significant threat to our citizens and people who visit this state to experience the scenic beauty of Tennessee's state and national parks; natural heritage and conservation areas; and mountains, valleys, and hills; and

WHEREAS, wind energy facilities located near state and national parks and on mountains, valleys, and hills of this state also pose serious risks to Tennessee's natural resources, including threatened and endangered species and their habitats, and detract from the natural scenic views and beauty of the mountains, valleys, and hills, and our state and national parks, which are appreciated by citizens and tourists alike; and

WHEREAS, wind energy facilities located on mountains also detrimentally interfere with medical flights, military navigation routes, and flight paths of helicopters and other aircraft; and

WHEREAS, it is imperative that the General Assembly provide for the protection of our citizens, the recovery and conservation of this state's natural resources, wildlife, and scenic beauty for all to enjoy, and for a continued military presence in this state; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding Sections 2 through 5 as a new chapter.

SECTION 2. As used in this chapter:

(1) "Construct" or "construction":



0536831144

- 1 -



006390

(A) Means the process of bringing a wind energy facility to completion;
and

(B) Includes the following:

- (i) Planning;
- (ii) Research;
- (iii) Feasibility analysis;
- (iv) Environmental evaluation;
- (v) Preliminary engineering;
- (vi) Designing;
- (vii) Relocation of utilities;
- (viii) Permitting;
- (ix) Environmental mitigation;
- (x) Contracting; and
- (xi) Financing;

(2) "Local government" means any county, municipality, city, or other political subdivision of this state;

(3) "Operate" or "operation":

(A) Means any activity associated with the management, operation, and maintenance of a completed wind energy facility; and

(B) Includes the installation, repair, or replacement of equipment; and the maintenance, repair, or improvement of the wind energy facility;

(4) "Person" means any natural person, corporation, limited liability company, partnership, joint venture, or other private business entity except for corporations transacting business in this state pursuant to chapter 25 of this title;

(5) "Redevelop" or "redevelopment" means the process of replanning, reconstructing, or redesigning a wind energy facility, including the acquisition, clearance,

development, or disposal, or any combination of these activities, of a wind energy facility;

(6) "Transmission facility" means a power cable, distribution line, or other equipment that delivers electricity from a wind turbine located in this state to the point of interconnection with a power distribution grid, long-distance power transmission grid, or other facility by and through which the electricity is distributed or transmitted to one or more customers; provided, that nothing in this chapter shall apply to any distribution, transmission, or other facilities that are located beyond the point of interconnection with the power distribution grid or transmission grid;

(7) "Wind energy facility":

(A) Means the equipment necessary for the operation of a facility that uses wind to generate electricity or that uses wind energy to heat or cool, or provide hot water for use in, a building or structure, including parts solely related to the functioning of that equipment, that cumulatively, with any other wind energy facility, has a rated capacity of one megawatt (1 MW) or more of energy;

(B) Includes turbines, towers, buildings, transmission facilities, and other associated facilities; and

(C) Does not include equipment that, when installed in connection with a dwelling, transmits or uses wind energy to produce energy in a useful form for residential purposes; and

(8) "Wind energy facility expansion" means any activity that:

(A) Adds or substantially modifies a wind energy facility, including increasing the height or the number of the turbines, transmission facilities, or other equipment; or

(B) Increases the footprint of the wind energy facility.

SECTION 3. This chapter shall not apply in any local government that has adopted regulations related to the siting of wind energy facilities in its jurisdiction.

SECTION 4. From the effective date of this act until July 1, 2018, no person shall construct, operate, or redevelop a wind energy facility, or initiate a wind energy facility expansion in this state.

SECTION 5.

(a) There is created a special joint legislative study committee to evaluate and make recommendations relative to the siting of wind energy facilities.

(b) The committee shall be composed of three (3) members of the senate, to be appointed by the speaker of the senate, and three (3) members of the house of representatives, to be appointed by the speaker of the house of representatives. In making such appointments, the speakers may consult with the commissioner of environment and conservation and the executive director of the wildlife resources agency.

(c) The committee shall be convened by the member with the most years of continuous service in the general assembly and, at its organizational meeting, shall elect a chair, vice chair, and other officers the committee may deem necessary.

(d) The committee shall only meet on days the members of the committee are at the capitol for other business. Members shall not receive any additional compensation for service on the committee, but shall be eligible for reimbursement for travel expenses.

(e) All appropriate state agencies shall provide assistance to the committee upon the request of the chair.

(f) The committee shall timely report its findings and recommendations, including any potential legislation, to the energy, agriculture and natural resources committee of the senate and the agriculture and natural resources committee of the house of representatives by January 1, 2018, at which time the committee shall cease to exist.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 655*

House Bill No. 1084

by deleting the amendatory language in Section 2 and substituting the following:

(e) A farmer may not be required to obtain a license under this section solely for selling ground feed that is comprised entirely of corn and grains that were raised on the farmer's farm; provided, that the ground feed is packaged in a new bag, or a used bag provided by the purchaser of the ground feed, that is marked, or otherwise labeled, with a listing of all of the ingredients in the ground feed.



0952465238



005577

Amendment No. _____

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 968*

House Bill No. 1164

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 43-26-102(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) "Industrial hemp" means the plants and plant parts of the genera cannabis that do not contain a delta-9 tetrahydrocannabinol (THC) concentration more than three-tenths of one percent (0.3%) on a dry mass basis and that are grown:

(A) From seed or propagules from seed certified by a certifying agency, as defined in § 43-10-103;

(B) From seed or propagules derived from landrace varieties of industrial hemp; or

(C) Grown by an institution of higher education in this state that offers a baccalaureate or post-graduate level program of study in agricultural sciences.

SECTION 2. Tennessee Code Annotated, Section 43-26-103, is amended by deleting subsections (b) and (c) in their entireties and substituting instead the following:

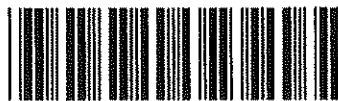
(b) The department of agriculture shall register landrace varieties of industrial hemp for the purpose of providing notice to licensed growers and processors of which landrace varieties of hemp are industrial hemp.

(c) Any person who grows or processes industrial hemp in this state must obtain an annual license from the department of agriculture. In order to obtain and maintain an industrial hemp license, the grower or processor must consent to reasonable inspection by the department of agriculture of the person's industrial hemp crop and inventory.

Viable industrial hemp in the possession or control of a person licensed by the



0530910722



006216

department as a grower or processor shall not be considered marijuana under § 39-17-415. Non-viable industrial hemp or any product made from non-viable industrial hemp procured through a grower or processor licensed by the department, or otherwise procured in accordance with the department's rules, shall not be considered marijuana under § 39-17-415.

(d) The department of agriculture shall promulgate rules, including rules establishing reasonable fees for industrial hemp licenses, necessary to implement and administer an industrial hemp program in this state on an ongoing basis. All revenue collected from fees established pursuant to this subsection (d) shall be used exclusively for administration of the industrial hemp program and regulation of industrial hemp.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring

it.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1371

House Bill No. 1405

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-201-115(b)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) The certificate of exemption may be granted if the board determines that:

(A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;

(B) The enactments referenced in subdivision (b)(3)(A):

(i) Are being, or will be, adequately enforced;

(ii) Further the preservation, protection, and enhancement of air quality in the municipality or county;

(iii) Will not result in a negative adverse impact to the economic growth of the municipality or county, or result in economic disruption or unemployment; and

(iv) Are consistent with, and in the interest of, the orderly administration of the municipality's or county's air pollution program; and

(C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;

SECTION 2. Tennessee Code Annotated, Section 68-201-115, is amended by adding the following new subsections:

(f) No municipality or county shall include land use or zoning requirements in its air pollution control regulations or the municipality's or county's certificate of exemption granting the municipality or county the authority to enact the regulations.



0935918241



003638

(g) No municipality or county shall request that the board include land use or zoning requirements in the state implementation plan submitted to the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7410.

SECTION 3. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.